

R156. Commerce, Occupational and Professional Licensing.

R156-71. Naturopathic Physician Practice Act Rules.

R156-71-101. Title.

These rules are known as the "Naturopathic Physician Practice Act Rules."

R156-71-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 71, as used in Title 58, Chapters 1 and 71, or these rules:

(1) "Approved clinical experience program" or "residency program" as used in Subsections 58-71-302(1)(e) and 58-71-304.2(1)(b), means a minimum 12 month program associated with a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education.

(2) "Direct supervision" as used in Subsection 58-71-304.2(1)(b), means the supervising naturopathic physician, physician and surgeon, or osteopathic physician is responsible for the naturopathic activities and services performed by the naturopathic physician intern and is normally present in the facility and when not present in the facility is available by voice communication to direct and control the naturopathic activities and services performed by the naturopathic physician intern.

(3) "Direct and immediate supervision" of a medical naturopathic assistant ("assistant") as used in Subsections 58-71-102(6) and 58-71-305(7), means that the licensed naturopathic physician is responsible for the activities and services performed by the assistant and will be in the facility and immediately available for advice, direction and consultation.

(4) "Naturopathic physician intern" or "intern" means an individual who qualifies for a temporary license under Section 58-71-304.2 to engage in a naturopathic physician residency program recognized by the division under the direct supervision of an approved naturopathic physician, physician and surgeon, or osteopathic physician.

(5) "NPLEX" means the Naturopathic Physicians Licensing Examinations.

(6) "Qualified continuing education," as used in these rules, means continuing education that meets the standards set forth in Subsection R156-71-304.

(7) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 71, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-71-502.

R156-71-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 71.

R156-71-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-71-202. Naturopathic Physician Formulary.

(1) In accordance with Subsections 58-71-102(8) and 58-71-202, the naturopathic physician formulary which consists of noncontrolled substance legend medications deemed appropriate for the scope of practice of naturopathic physicians, the prescription of which is approved by the Division in collaboration with the Naturopathic Formulary Advisory Peer Committee, consists of the following legend drugs, listed by category:

Adrenergic Stimulators, limited to: Albuterol, Epinephrine, and Metaproteranol;

Amino Acids;

Anesthetics (local);

Antiemetics;

Antifungals, limited to: Nystatin and Fluconazole;

Antigout;

Antihistamines;

Anti-inflammatories, except DMARDS;

Antimicrobials (oral), limited to: Pencillins, 1st and 2nd generation

Cephalosporins, Tetracyclines, Macrolides, Azalides, Lincosamines, Metronidazole, Hydantoins, and Sulfas;

Antimicrobials (ophthamologic), limited to: Sulfas and Macrolides;
Antimicrobials (topical);
Antivirals, limited to Acyclovir;
Biologics, limited to: Skin Testing, CDC recommended Immunizations, Toxoids, and Immunoglobulin;
Contraceptives, except implants and injections;
Corticosteroids (oral or topical), except Opthamologic Preparations;
Diabetic Agents, limited to: Insulin, and oral Hypoglycemics, except
Thiazolidinediones;
Diuretics, limited to: Thiazide or Loop;
Electrolyte and Fluid Replacements;
Enzymes, limited to: Digestive and Proteolytic;
H2 Blockers;
Hormones (oral or topical), limited to: Estrogen, Progestins, and Thyroid;
Migraine Preparations, limited to: Ergotamines and Sumatriptin;
Minerals: Macro and Micro;
Osteoporosis agents, limited to: Calcitonin and Raloxifene;
Proton-Pump Inhibitors;
Urinary Antispasmodics;
Vitamins;
Other: Methergine and Pitocin, limited to use only after the uterus has been emptied;
Silver Nitrate.

(2) New categories or classes of drugs will need to be approved as part of the formulary prior to prescribing/administering.

(3) The licensed naturopathic physician has the responsibility to be knowledgeable about the medication being prescribed or administered.

R156-71-302. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-71-302(1)(f) and 58-71-302(2)(c), the licensing examination sequence required for licensure is as follows:

- (1) NPLEX Basic Science Series, the State of Washington Basic Science Series or the State of Oregon Basic Science Series;
- (2) NPLEX Clinical Series;
- (3) NPLEX Homeopathy;
- (4) NPLEX Minor Surgery; and
- (5) the Utah Naturopathic Physician Practice Act Law and Rule Examination.

R156-71-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 71 is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-71-304. Qualified Continuing Education.

(1) In accordance with Subsection 58-71-304(1)(a), qualified continuing education shall consist of 24 hours of qualified continuing professional education in each preceding two year period of licensure.

(2) If a licensee allows his license to expire and the application for reinstatement is received by the division within two years after the expiration date the applicant shall:

(a) submit documentation of having completed 24 hours of qualified continuing professional education required for the previous renewal period; and

(b) submit documentation of having completed a pro rata amount of qualified continuing professional education based upon one hour of qualified continuing professional education for each month the license was expired for the current renewal period.

(3) If the application for reinstatement is received by the division more than two years after the date the license expired, the applicant shall complete a minimum of 24

hours of qualified continuing professional education and additional hours as determined by the board to clearly demonstrate the applicant is currently competent to engage in naturopathic medicine.

(4) The standards for qualified continuing education are as follows:

(a) content must be relevant to naturopathic practice and consistent with the laws and rules of this state;

(b) under sponsorship of:

(i) an approved college or university; or

(ii) a professional association or organization representing a licensed profession whose program objectives are related to naturopathic practice;

(c) learning objectives must be reasonably and clearly stated;

(d) teaching methods must be clearly stated and appropriate;

(e) faculty must be qualified, both in experience and in teaching expertise;

(f) there must be a written post course or program evaluation; and

(g) documentation of attendance must be provided.

(5) Qualified continuing education shall consist of at least 10 hours of seminars, conferences or workshops addressing case management and prescribing of legend drugs.

(6) Audits of a licensee's continuing education hours may be done on a random basis by the division in collaboration with the board.

(7) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of two years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain this information with respect to qualified professional education to demonstrate it meets the requirements under this section.

(8) The division in collaboration with the board may grant a waiver of continuing education requirements to a waiver applicant who documents he is engaged in full time activities or is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section. A waiver may be granted for a period of up to four years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-71-304a. Quality Assurance Program Criteria - Approval.

(1) In accordance with Subsection 58-71-304(2)(c), to be approved, a quality assurance program shall:

(a) demonstrate that reviewers:

(i) have knowledge and expertise in the practice of naturopathic medicine;

(ii) are competent to conduct a quality assurance program; and

(iii) are objective, unbiased and independent with respect to any individual subjected to the review;

(b) demonstrate that any other persons associated with the program are objective, unbiased and independent;

(c) have a program agreement or contract that as a minimum contains:

(i) a statement that the primary emphasis of the program is educational;

(ii) a provision to conduct a review process not less than once every two years;

(iii) a reasonable fee schedule;

(iv) audit criteria against which the licensee will be reviewed;

(v) standards for reporting the results of the review; and

(vi) procedures for issuance of and follow up to a corrective action plan that includes:

(A) reporting to the division a finding of gross incompetence; or

(B) reporting to the division a licensee who fails to substantially comply with the recommendations of the corrective action plan.

(2) The provider shall make available to the division the results of the review upon the proper issuance of a Subpoena Duces Tecum by the division in accordance with the provisions of Title 58, Chapter 1.

R156-71-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) failure to comply with the recommendations of a quality assurance corrective action plan; and
- (2) failure to comply with the approved formulary.

KEY: licensing, naturopaths, naturopathic physician*

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NATUROPATHIC PHYSICIAN
PRACTICE ACT RULES

R156-71
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